United Nations
GENERAL ASSEMBLY
FORTY-EIGHTH SESSION

Official Records

73rd PLENARY MEETING
Thursday, 9 December 1993 at 3 p.m.

NEW YORK

President: Mr. INSANALLY (Guyana)

In the absence of the President, Mrs. Fritsche (Liechtenstein), Vice-President, took the Chair.

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 36 *(continued)*

LAW OF THE SEA

(a) REPORT OF THE SECRETARY-GENERAL (A/48/527 and Add.1)

(b) DRAFT RESOLUTION (A/48/L.40)

Mr. BAUME (Australia): This is the last time that the General Assembly will consider in the abstract the United Nations Convention on the Law of the Sea, the primary framework for regulating the myriad matters relating to ocean space. When next we meet for a general debate on this item the Convention will be a legally binding instrument. It is our hope that by then we will have witnessed the achievement of the conditions under which it may become universal as well as legally binding.

At the outset we should like to thank the Secretary-General and, through him, the Under-Secretary-General for Legal Affairs and the Division of Ocean Affairs and the Law of the Sea for the commendable effort on this item. We should particularly like to express the Australian Government's appreciation to the outgoing Under-Secretary-General for Legal Affairs, Mr. Carl-August Fleischhauer, for his excellent work on law-of-the-sea matters, as well as to congratulate him on his highly deserved election to the International Court of Justice.

Before I turn to specific points, it is worthwhile to consider the circumstances that spurred the convening of the Third United Nations Conference on the Law of the Sea and the Convention that arose out of it. The need for a comprehensive and widely accepted Convention arose from the serious disorder that threatened the oceans in the decade following the failed Second United Nations Conference on the Law of the Sea in 1960. Inequities and inadequacies were perceived in the traditional law of the sea. Fishing grounds were faced with depletion, and the rules governing their exploitation unfairly favoured the rich and disadvantaged the poor. Archipelagic States believed that their security and integrity were jeopardized by the doctrine that the waters surrounding their islands were high seas. Pollution controls were inadequate to deal with disasters involving supertankers, and flag States were failing to take appropriate enforcement action. There was uncertainty about the extent of the rights of coastal States over the continental shelf. Many States were making excessive territorial-sea claims that threatened the high-seas rights of other States. There were also fears of a resources grab in the seabed beyond national jurisdiction.

The achievements of the Convention in seeking to find a balanced and equitable solution to all the issues related to the use of the world's oceans are historic. They reflect a renegotiation of the rules governing title to all the resources of the sea and the seabed and the rules governing most of the important uses of the sea, such as navigation, research and pollution control. The Convention also brought about new concepts, such as the exclusive economic zone, the common heritage of mankind, an obligation on all States to protect and preserve the marine environment, and tighter rules for conservation of fisheries.

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93-87345 (E)

Distr. GENERAL

A/48/PV.73
21 December 1993

ENGLISH

Since its adoption in 1982 the Convention has been successful in guiding State practice in many aspects of the law of the sea. The Convention has had a significant and unifying effect on the regulation of ocean space.

Australia's support for the Convention has been underlined by its steady implementation of Convention provisions in its domestic legislation. Recently, Australia decided to establish an exclusive economic zone, to redefine Australia's continental shelf and to establish a 24-nautical-mile contiguous zone. All this is being done in a manner consistent with the Convention.

While the developments we have outlined emphasize the significance of the Convention, State practice in all areas is still not uniformly consistent with its provisions. In addition, some of the problems which motivated the drafters of the Convention, such as marine pollution and depletion of living marine resources, have arguably become worse, not better. While there is general acceptance of the concepts underpinning the Convention, there is at the same time a need for State practice to conform to the specific obligations that give expression to these concepts.

The longer the Convention lacks universality, the greater will be the danger of divergences in interpretation of crucial aspects of it. In contrast, its innovative and flexible dispute-settlement provisions, once universally in force, would make possible the creation of a body of international law interpreting the Convention in a uniform and consistent manner. For these reasons Australia sees universal participation in the Convention as the best means of achieving long-term order and stability in the world's oceans. This is why the Secretary-General's informal consultations aimed at addressing issues of concern to some States relating to the Convention's deep-seabed-mining regime are so important. We commend the Secretary-General for having convened the consultations and wholeheartedly support the invitation and request in the draft resolution for States and the Secretary-General to increase their efforts to accelerate the consultations in order to achieve universal participation in the Convention as soon as possible.

Our best hope - perhaps our last hope - of achieving universality is through achieving a result before the Convention's entry into force next November. It is encouraging to see that many voices from both developing and industrialized States are now calling for a rapid solution. The excellent progress made during the last round of the informal consultations and the constructive atmosphere in which they were held have increased our confidence that a broadly acceptable solution is achievable by the summer of 1994. We urge all States to grasp this opportunity.

Mr. NANDAN (Fiji): As others have noted already, the debate under the agenda item "Law of the Sea" this year is marked by a very special and significant event. The 1982 United Nations Convention on the Law of the Sea has received its sixtieth ratification or accession. This has triggered an irreversible process, which will culminate in the entry into force of the Convention on 16 November 1994.

It is now almost a quarter of a century since the preparatory work for the Convention began. This was followed by the convening in 1973 of the first session of the Third United Nations Conference on the Law of the Sea, which concluded its work in 1982 by adopting the Convention.

I am today reminded of the objectives and aspirations of States that set out to achieve a comprehensive global Convention that would govern all uses and resources of the sea. These were best expressed at the opening meeting of the Conference in 1973 by the first President of the Conference, the late Ambassador Hamilton Shirley Amerasinghe of Sri Lanka. He said, as reported in the summary record of the meeting:

> "The Conference was destined to be one of the most important in the history of the United Nations and even in the history of international relations. ... Its agenda encompassed a range of topics of vital concern to the entire world. It embraced problems of a political, economic, ecological and technological character, and a successful outcome to the Conference would have a lasting impact on the future of mankind. Any agreement reached at the Conference must promote the well-being of all countries, especially the developing countries... Such agreement must also protect the ecology of the oceans, on which mankind's survival depended to such a large extent. If the Conference resolved to be guided by the principles of justice and equity and if it showed a spirit of mutual understanding, goodwill and compromise, it would not only be living up to the high expectations of the United Nations Charter but also handing down to posterity perhaps one of the supreme achievements of the Organization." *(Official Records of the Third United Nations Conference on the Law of the Sea, Vol. I, Summary Records of Meetings, 1st Plenary Meeting, para. 16)*

Ambassador Amerasinghe, in fact, set out the yardsticks against which the Convention must be measured.

In the 11 years since the Convention was adopted, its achievements have surpassed all our expectations. It has become the primary source of modern international law of

the sea. It has established a delicate balance in the uses of the oceans, and equity in the distribution of their resources. It has replaced confusion and instability in the law of the sea - confusion and instability due to the plethora of conflicting claims - with a generally agreed set of norms that are already widely accepted and applied in State practice. Thus, the new order reflected in the Convention has established stability in the oceans and has promoted cooperation between States, in place of confrontation on ocean-related matters. Further, it has facilitated the peaceful settlement of disputes on marine-related questions. The issue today is not what the law is but, rather, how to implement the law contained in the Convention in a given situation.

The Convention, however, represents more than this: it is an important symbol of a new era in the development of international law. It is a product of a process of negotiations in which all States - great and small, old and new, developed and developing, coastal and land-locked - have participated and made contributions. This is in sharp contrast to the previous era, when international law was determined by a few, who ensured that it largely reflected their own interests.

As we celebrate the depositing of the sixtieth instrument of ratification or accession, we must also be mindful of the fact that there are States that support the Convention for the most part but, because they have difficulties with certain provisions relating to the deep-seabed-mining part - part XI - have not yet ratified or acceded to it. Indeed, many of these States are among the signatories to the Convention, and most have adopted the Convention's provisions through national legislation or State practice.

My country participated in the Third United Nations Conference on the Law of the Sea with a view to the establishment of a universal legal regime to govern all activities in the seas and ocean. We continue to believe that this goal can be realized only through universal participation in the 1982 Convention. Accordingly, we have been willing and active participants in the dialogue to address the problems in part XI of the Convention that have prevented States from becoming parties to that instrument.

We are pleased with the considerable progress that has been made since the dialogue was initiated in July 1990. It is our assessment that there is already broad agreement on all substantive issues and that, subject to some fine tuning on some of the issues, we are on the verge of concluding an agreement. Thanks to the good will and flexibility of both developed and developing States, the problems are being addressed fairly and adequately, as is reflected in the revised "Boat Paper" of November 1993.

With the passage of time since the Convention was adopted, and with the rapid economic and political changes that have taken place, many of the problems being addressed have become common to all. It is therefore important that a solution be found as quickly as possible, so that the Convention may begin its life without these festering problems. In this way, we shall keep faith with ourselves by ensuring that all States that worked together to forge the Convention, and have continued to work together in the Preparatory Commission for the past 11 years, remain together when the Convention enters into force next November. We must, therefore, give some thought to the possibility of simultaneous entry into force of the implementing agreement that is being negotiated.

As the Convention enters a new phase, it is already apparent that its full and faithful application and the implementation of its many facets are not just the responsibility of individual States - that they require cooperation between States. Indeed, such cooperation is an obligation under the Convention.

There will always be some problems in relation to the oceans to be addressed, but none is so acute at present as that relating to the management and conservation of fish resources, especially those of the high seas. In the past decade there has been a rapid decline in the world fish catch from the oceans. This is a reflection of over-fishing and unregulated fishing of a large number of species. The problem is so acute that, in certain areas, a total moratorium on all fishing or in respect of certain species of fish has been established both inside exclusive economic zones and in adjacent high seas.

Fish resources of the oceans are vital to the survival of mankind. On average, they provide more than 50 per cent of the protein in our diets. For far too long, we lived in the false belief that these resources would remain unlimited. There are several causes of their rapid depletion, but the most important cause is man-made. Either there is no proper management and conservation of these resources, or the measures taken are inadequate.

The Rio Conference on Environment and Development (UNCED) drew attention to this problem, as it did to other problems relating to the ocean environment. As a consequence of the UNCED decision, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was convened this year. Two further sessions of the Conference are scheduled for next year. This Conference must address the problems of high-seas fishing for the two types of stocks. In doing so,

States must bear in mind the interrelationship in the proper management of resources in all parts of the sea.

The success or failure of this Conference will determine whether the rapid decline in the world's fish resources can be halted and reversed. More than that, there is a danger that failure of the Conference would precipitate unilateral departures from the norms established in the Convention. Of course, such actions would eventually threaten the very viability of the Convention and must therefore be avoided.

As we prepare to enter a new phase in the life of the Convention, this Organization must examine the important and central role it has to play in relation to the oceans. Mindful of this, the General Assembly, as long ago as 1983, approved the assumption by the Secretary-General of the responsibilities imposed on the Secretariat of the United Nations upon the Convention's entry into force, as it did with regard to the servicing of the Preparatory Commission.

Upon the Convention's entry into force, an International Seabed Authority will be established to administer the mineral resources of the deep seabed, but there is no equivalent international body, other than the General Assembly, to deal with ocean-related matters as a whole. Within the United Nations system there are specialized agencies and bodies that deal sectorally with certain specialized areas of ocean affairs. They are not mandated to deal comprehensively with legal, political, economic and ecological matters.

If one of the fundamental principles on which the Convention is founded -

> "that the problems of ocean space are closely interrelated and need to be considered as a whole" *(preamble to the Convention)* -

is to be maintained, the General Assembly must continue to be the forum for oversight of sectoral developments. It must ensure that they take place within the framework provided by the Convention. The Assembly must also continue to be the forum for discussion of and debate about developments in the law of the sea, which concerns more than 70 per cent of the Earth's surface and makes an invaluable contribution to global peace and security.

Consistent with the role of the General Assembly upon the Convention's entry into force, the Secretariat Unit dealing with the law of the sea and ocean affairs has an enhanced role to play in monitoring developments in ocean-related matters and in providing guidance to States and intergovernmental agencies and bodies on uniform and consistent application of the Convention.

Finally, my delegation would like to express appreciation for the report of the Secretary-General on the law of the sea. This report, like the publication "Annual Review on Ocean Affairs - Law and Policy", is an invaluable source for States with regard to the overall developments in this very specialized and important field. We urge and encourage the Secretariat to continue its good work.

As one of the sponsors of the draft resolution contained in document A/48/L.40, we commend that draft resolution to the Assembly.

Mr. WISNUMURTI (Indonesia): At the outset, my delegation would like to convey its appreciation to the Secretary-General for his comprehensive report on the agenda item concerning the law of the sea. The report informs us of the progress made in the implementation of the Convention on the Law of the Sea and about the activities and programmes undertaken towards this end.

After all the time that has elapsed since the historic signing of the 1982 Convention of the Law of the Sea, which incorporated a comprehensive legal regime governing all aspects of the various uses of the oceans and their vast resources, it is heartening to note the important event that we witnessed in the past month: the sixtieth ratification was deposited on 16 November 1993, and, as a result, the Convention will enter into force 12 months from that date. There is no doubt that this constitutes a significant milestone, marking not only the end of a long and arduous journey but also the beginning of the monumental task of giving substance to this achievement. As the Secretary-General's report points out:

> "The entry into force of the Convention will have a marked impact on the practice of States, particularly those which are Parties to the Convention, and the activities of a number of international organizations competent in the fields of ocean affairs." *(A/48/527/Add.1, para. 2)*

Since the Convention will enter into force on 16 November 1994, in accordance with paragraph 1 of its article 308, it is imperative that we fully utilize this period to secure universal adherence to the Convention. Such an achievement would be in the interest of the entire international community. We therefore highly appreciate the Secretary-General's efforts since 1990 to initiate and preside over a series of informal consultations to promote a dialogue aimed at addressing certain issues in part XI of the Convention. It is our earnest hope that, during this

crucial period, those endeavours will resolve the outstanding issues and achieve greater acceptance by all States before the Convention becomes effective next year.

Many of the provisions contained in the Convention are the result of codification of rules of general customary international law, such as the provisions governing the territorial sea, innocent passage through the territorial sea, the continental shelf and the contiguous zone. The Convention also reflects new international legal regimes, such as those applicable to the exclusive economic zone, archipelagic States, protection and preservation of the marine environment, transit passage through straits, mandatory provisions for the settlement of disputes and deep-seabed mining. All these provisions will be consolidated and further strengthened in light of the entry into force of the Convention.

Indonesia, as an archipelagic State, attaches the utmost importance in its national ocean policy to a unified legal regime for the seas. One of the most important parts of the Convention - and one that cannot be overlooked by Indonesia - is its part IV, on archipelagic States. Ever since Indonesia enacted Law No. 17 of 1985 concerning its ratification of the Convention, it has committed itself to the task of reviewing its national legislation with a view to bringing it into harmony with the Convention's obligations and to providing new regulations for the implementation and enforcement of other parts of the Convention that have not yet found a place in our domestic law. In the near future, a new bill is to be introduced concerning Indonesia's territorial sea.

It should also be noted that Indonesia, in implementing the provisions of the Convention, has concluded several bilateral agreements with its neighbours on the delimitation of maritime boundaries, including an agreement on provisional arrangements.

There are several other provisions which we consider to be of importance, namely, those dealing with the exclusive economic zone and the continental shelf. Article 57 of the Convention states that a coastal State cannot claim an exclusive economic zone beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. In conformity with this latter provision, Indonesia has enacted comprehensive legislation on the exclusive economic zone: this law is based on the need to exercise Indonesia's sovereign rights and jurisdiction in the zone.

In line with the Government's programme of development, there also exists a need to preserve and promote the rational management of the living resources of the zone for the welfare of the country. We are aware of the fact that the legal regime on the exclusive economic zone has now become a part of customary international law, as evidenced by States' practice.

Modern science has exposed the vast areas of the high seas to unprecedented levels of commercial exploitation. Among these, the seas' fishery resources have come under tremendous pressure, indeed, under the imminent threat of extinction. Against this backdrop, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks yielded general agreement on, *inter alia*, the need for effective conservation and management of straddling fish stocks; cooperation between States on the effective fisheries management of high-seas resources; and on the need for the 1982 United Nations Convention on the Law of the Sea to be the legal framework within which the conservation and management of fish stocks is developed.

The adoption of Agenda 21 by the United Nations Conference on Environment and Development is particularly timely. Agenda 21 sets out, in its Chapter 17, the programme entitled "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources". There is a compelling need for follow-up actions and measures to be taken expeditiously in order to stem the further deterioration of the oceans and especially of their vast resources. We are therefore gratified by the various follow-up actions to Agenda 21 that have been taken; these include the establishment by the Inter-Agency Committee on Sustainable Development of an Administrative Committee on Coordination Subcommittee on Oceans and Coastal Areas and other follow-up actions taken by United Nations organizations and agencies.

Indonesia has taken a number of legal measures for the protection and preservation of its marine environment. This body of law will serve as a basis for further regulation in various aspects of environmental management.

It was after long and protracted negotiations that this unique document, the Convention on the Law of the Sea, became the subject of near-universal agreement. Beyond the shadow of a doubt, it is a tribute to the untiring efforts of the Member States, and in particular of those States that were involved in those negotiations, without whose spirit of compromise this monumental achievement would not have been possible. It therefore behooves us to proceed to the ratification process with all deliberate speed, so that the Convention can confer its intended benefits for all mankind.

Finally, my delegation, as one of the sponsors of the draft resolution (A/48/L.40) on the law of the sea, expresses the hope that members will lend it their support.

Mr. BATIOUK (Ukraine): This year the General Assembly is considering the item on the law of the sea at a crucial point, when the United Nations Convention on the Law of the Sea has already acquired the sixtieth instrument of ratification or accession required for its entry into force in 12 months. So the countdown towards 16 November 1994 has begun. It is well known that the Convention is the most detailed treaty and the most representative outcome of a universal effort to codify international law. Upon its adoption in 1982 it began to have a dominant influence on the conduct of States in marine-related matters. The Convention is undoubtedly an outstanding contribution to the maintenance of peace, justice and progress in many areas.

In its legislative practice, Ukraine follows the letter and spirit of the Convention very closely. For example, the Law of Ukraine on the State Frontier of Ukraine, adopted on 4 November 1991, was drafted in strict conformity with the provisions of part II of the Convention regarding, *inter alia*, the 12-nautical-mile breadth of the territorial sea, the right of innocent passage through the territorial sea, baselines, the definition of internal waters and the procedures governing the entry of foreign non-military vessels and warships into the internal waters and ports of Ukraine.

In the spirit of cooperation envisaged by the Convention, Ukraine continues the process of reviewing marine-related treaties with a view to becoming party to some of them. On 25 October 1993 Ukraine deposited with the Secretary-General of the International Maritime Organization the instruments of accession or acceptance of the following four Conventions: the International Convention on Load Line of 1966; the International Convention on Tonnage Measurement of Ships of 1969; the International Convention for the Prevention of Pollution from Ships of 1973; and the Convention on Facilitation of International Maritime Traffic of 1965.

In accordance with the Law of Ukraine on the Applicability of International Treaties in the Territory of Ukraine, adopted on 10 December 1991, the treaties to which Ukraine is a party form

> "an inalienable part of the national legislation of Ukraine and are applied in accordance with the procedures specified in respect of norms of national legislation."

This means that any such treaty, including the United Nations Convention on the Law of the Sea, upon its eventual ratification by Ukraine can be invoked in any Ukrainian court.

There can be no doubt that the United Nations Convention on the Law of the Sea deserves universal participation. It is obvious that unless all States participate the benefits of the Convention will never be complete. In this respect, the series of informal consultations held by the Secretary-General on outstanding issues relating to the deep seabed mining provisions of the Convention proved to be very helpful in assessing the main avenues for facilitating universal participation in the Convention as soon as possible.

The latest round of consultations has risen to the level of a decision-oriented dialogue. Ukraine welcomes this development. At the latest round of consultations an anonymous paper was presented, which, for the sake of convenience, was referred to as the "Boat Paper". We feel that the paper provides good ground for a compromise, which we view in terms of an adaptation of the Convention to the realities of the 1990s and of its practical implementation, rather than in terms of amendments to or modifications of the Convention.

However, the delegation of Ukraine is tempted to draw the Assembly's attention to one aspect of the "Boat Paper". The explicit reference to the membership of at least one State from the Eastern European region is omitted in the proposal referring to article 161, paragraph 1 (b), of the Convention. Such an approach is unjustifiable - even more so under the present circumstances, in which the number of States in the Eastern European region has grown from 11 to 26. This drawback, we hope, will be corrected at the next consultations.

It is important that the compromise in respect of provisions of part XI of the Convention be reached by the middle of next summer. A settlement is needed well in advance of 16 November 1994 in order to make the necessary arrangements for convening the first session of the Assembly of the Seabed Authority. It is likely that the General Assembly will find itself in a position to reconvene next summer in order to make the appropriate decision.

In spite of serious difficulties, beyond its control, the Preparatory Commission for the International Seabed Authority and for the International Tribunal on the Law of the Sea has made considerable progress in the discharge of its mandate. The flexibility and constructive attitude adopted by the Preparatory Commission made possible the implementation of resolution II of the

Third United Nations Conference on the Law of the Sea and the establishment of the system of pioneer investors. The Preparatory Commission elaborated several sets of rules, regulations and procedures for the Authority and the Tribunal. Some of these regulations are not complete, as in the case of the seabed mining code, but they can be finalized by the Authority itself.

However, there is still a number of pending matters which the Preparatory Commission has to address before the expiration of its mandate. Some of them are mentioned in paragraph 3 of the addendum to the report of the Secretary-General. We also wish to draw attention to resolution I of the Conference, which mandates the Commission, *inter alia*, to prepare the provisional agenda for the first session of the Assembly and of the Council and to make recommendations concerning the budget for the first financial period of the Authority. The winter and summer sessions of the Preparatory Commission promise to be intensive.

The outstanding issues facing the Preparatory Commission and the Secretary-General's consultations are basically the same. It seems logical that, at this final stage, the two forums should complement each other. The report of the Secretary-General on this item is, as usual, very thorough. It continues to be a valuable source of comprehensive information on developments in the law of the sea. This time it also contains, though in very sketchy form, a general agenda for the future. Reference to the functions of the United Nations Secretary-General under the Convention, contained in paragraph 4 of the addendum to the report, indicates that the bulk of activities related to ocean affairs and the law of the sea will remain with the United Nations itself. The United Nations will continue to play a major role in the monitoring and collection of information on and reporting on State practice in the implementation of the Convention. The United Nations will have to assist States in the harmonization of national legislation with the Convention. It will have to provide the necessary assistance, particularly to developing countries, to enable them to benefit from the rights they acquire under the Convention. These are but a few examples of the assistance which the United Nations is expected to provide.

The Commission on the Limits of the Continental Shelf is to be established under United Nations auspices and serviced by the United Nations Secretariat. The Secretary-General is also called upon to convene a meeting of the States parties, which is to elect the members of the International Tribunal for the Law of the Sea and to consider its rules.

The Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs continues to play a vital coordinating role within the United Nations system in respect of all matters related to the Convention. With the entry into force of the Convention on the Law of the Sea, the Division will be subject to even greater demands in the future. The assumption of additional responsibilities by the Secretary-General makes it essential to ensure that the Division has the appropriate resources to meet these demands.

In conclusion, I should like to state that, as in previous years, Ukraine is co-sponsoring the draft resolution (A/48/L.40) before the General Assembly. We wish to commend it to all members of the Assembly.

Mr. YOO (Republic of Korea): The delegation of the Republic of Korea welcomes the opportunity to participate in the debate on the law of the sea. I should like, first of all, to express our appreciation to the Secretary-General for his comprehensive report on the law of the sea (A/48/527 and Add.1).

Our gratitude also goes to the Legal Counsel, Mr. Fleischhauer, for his dedicated efforts and invaluable contributions in the area of the law of the sea. I should also like to take this opportunity to extend our congratulations to Mr. Fleischhauer for his election as a judge of the International Court of Justice. We wish him every success as he serves in his new position.

Last but not least, I would like to take this opportunity to thank Ambassador José Luis Jesus of Cape Verde, the Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, for his tireless efforts over the past years in laying the groundwork for the entry into force of the United Nations Convention on the Law of the Sea.

My delegation is pleased that the sixtieth instrument of ratification of the United Nations Convention on the Law of the Sea has been deposited. The sixtieth ratification, which was made by the Government of Guyana, will bring the long-awaited Convention into force on 16 November 1994. We welcome the deposit as a historic event in the use and development of the oceans. We believe that the entry into force of the Convention will make significant contributions towards international peace and security by establishing a new international legal regime for the oceans.

Despite the progress which has been made, we still face the great challenge of securing the full participation of all countries in the Convention. In this regard, it is my

delegation's view that the informal consultations, initiated by former Secretary-General Javier Pérez de Cuéllar and continued by Secretary-General Boutros Boutros-Ghali, have provided constructive forums in which to bridge differences on outstanding issues related to deep seabed mining.

My delegation is encouraged by the progress made during the last informal consultations, held in November of this year. We sincerely hope that the informal consultations will produce a successful outcome next year. The Republic of Korea is prepared to offer its full support for the success of this meeting and looks forward to both the early resolution of the remaining issues and the universal acceptance of the Convention.

As a peninsular nation, the Republic of Korea relies heavily upon maritime activities. For this reason, the Republic of Korea has always attached great importance to matters pertaining to the law of the sea. As one of the 159 signatories to the Convention, our country has participated in the work of the Preparatory Commission and in the informal consultations. The Republic of Korea has already begun domestic procedures for the ratification of the Convention.

Allow me to take this opportunity to announce that the Government of the Republic of Korea will be submitting to the Preparatory Commission its application for registration as a pioneer investor and for the allocation of a pioneer area, in accordance with resolution II of the Third United Nations Conference on the Law of the Sea. Since the mid-1980s, the Korean Government has carried out pioneer activities in the international seabed area of the Northeast Pacific through the Korea Ocean Research and Development Institute (KORDI), a subsidiary organ of the Government, and the Korean Mining Promotion Corporation (KMPC), a Government-controlled company, as set forth in paragraph 1 (b) of resolution II. Upon the recent conclusion of our pioneer activities, we are now processing the necessary documentation to apply for registration with the Preparatory Commission.

In closing, I should like to affirm that the Government of the Republic of Korea is prepared to lend its full support to the stabilization of the new international legal regime for the oceans under the United Nations Convention on the Law of the Sea.

Mr. KOROMA (Sierra Leone): I should like to thank the Secretary-General and the Under-Secretary-General and Legal Counsel, Mr. Carl-August Fleischhauer, for the comprehensive and informative report (A/48/527 and Add.1) covering a wide spectrum of activities relating to ocean space.

Less than a year from now, following the sixtieth instrument of ratification for accession, the Convention will enter into force. The entry into force of the Convention will be a matter of momentous significance for the international community and will promote even further the effectiveness of the legal regime of ocean space.

The Sierra Leone delegation welcomes this event and views it as a triumph for the United Nations and for multilateral diplomacy, for it was just over 20 years ago that the Third United Nations Conference on the Law of the Sea was launched. Nine years later, in 1982, when the Convention was opened for signature, it was considered the greatest achievement of the international community since the adoption of the United Nations Charter itself. The then-Secretary-General, Mr. Pérez de Cuéllar, on that occasion described the Convention as a breath of fresh air at a time of serious crisis in international cooperation and of decline in the use of international machinery for the solution of world problems. He also stated that through the Convention, "international law is irrevocably transformed".

It is therefore encouraging that, with the imminent entry into force of the Convention, not only has that prediction held true, but, even more important, the Convention, which regulates three quarters of the planet, will legally enshrine such new concepts as the Area containing rich mineral resources and declared the common heritage of mankind; archipelagic States; the 200-nautical-mile exclusive economic zone, with respect to natural resources and certain economic activities; enclosed and semi-enclosed seas; marine scientific research; rules for maritime boundary and its delimitation; the assignment of legal rights, duties and responsibilities to States; and the provision of machinery for the peaceful settlement of disputes relating to ocean space.

But even before its entry into force, and as stated in the report, the Convention has continued to have a positive impact, providing States with the necessary basis for the conduct of affairs relating to the ocean, regulating the uses and resources of the ocean and using the relevant provisions of the Convention for national and international legal instruments.

The Sierra Leone delegation would like to commend the pioneering efforts of the Preparatory Commission, under the able chairmanship of Ambassador Jesus of Cape Verde. The Convention has continued to have an impact in the area of the environment and sustainable development. Regarding the protection and management of the ocean, in accordance with Agenda 21, the Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks met this year with the objective of

promoting the implementation of the provisions of the United Nations Convention on the Law of the Sea on such fish stocks. We hope that at the end of that Conference States will establish policies for the sustainable use of the sea, negotiate international agreements to manage and conserve fish, strengthen surveillance and enforcement of fisheries regulations, revise and modify existing unsustainable policies and practices and identify technologies that should be excluded because they threaten the ecosystem.

In all these areas the capability of the developing countries to benefit from the Convention should be strengthened, and for this to happen the Division for Ocean Affairs must be enhanced to enable it to provide the necessary support for developing countries. Meanwhile, the Division has continued its diverse but integrated and very useful activities in the legal, political, scientific, technical, economic and environmental fields, thus giving tangible effect to the Convention. The Sierra Leone delegation commends the Division for its integrated and multidisciplinary approach to ocean and ocean-related affairs and for its commitment to one of the fundamental principles of the Convention - namely, that all aspects of ocean space are interrelated and should be treated as an integral whole.

The Convention on the Law of the Sea will not achieve its ultimate objective if it does not enjoy full and universal participation. It is for this reason that my delegation welcomed and continues to welcome the ongoing informal consultations on part XI of the Convention, under the chairmanship of the Secretary-General and his representative, aimed at addressing issues of concern to some States. My delegation stands ready to continue its positive cooperation with all States in this regard and joins in the sponsorship of draft resolution A/48/L.40, entitled "Law of the sea".

Mr. CARDENAS (Argentina) *(interpretation from Spanish)*: My delegation wishes to speak on agenda item 36, "Law of the sea", because of the growing importance Argentina attaches to this question, its evolution and its undeniable importance for the effective protection of the marine environment, whose preservation is a matter of constant concern for the international community.

I should first like to emphasize how hugely significant it is, in our opinion, that, with the ratification by Guyana, the United Nations Convention on the Law of the Sea has now been ratified by 60 countries. We also welcome the development and consolidation of the law of the sea, as encapsulated in the Convention, which in itself is historically significant as an important juridical contribution to the maintenance of peace, justice and progress in the international community.

The numerous accessions to the Convention and its upcoming entry into force, on 16 November next year, demonstrate the majority support it enjoys and should serve as a global landmark enabling us to find an effective and integrated solution to the difficulties related to Part XI of the document, which were evident throughout the consultations with the Secretary-General. In this connection, my delegation stresses its desire to encourage States to participate constructively in those consultations with a view to achieving, in a spirit of pragmatism, a definitive solution to existing problems.

We should also like to express our appreciation to the Secretary-General for his efforts in support of the Convention and for his report (A/48/527 and Add.1).

Finally, I should like to point out that the Convention constitutes a very useful framework for the development of the United Nations Conference on high-seas fishing, in regard of which, in particular, we expect and encourage positive results that should be achieved soon. In reaffirmation of the view expressed by my Government last July, we stress the need to face and solve the problems affecting resources whose preservation is of vital importance to all States.

Mr. BISSEMBER (Guyana): It is with a deep sense of pride that I speak on behalf of the Guyana delegation in support of draft resolution A/48/L.40, entitled "Law of the sea", under agenda item 36. That sense of pride stems from the fact that, by depositing, on 16 November 1993, its instrument of ratification of the United Nations Convention on the Law of the Sea, my country has, by this sovereign act, made possible the Convention's entry into force next November. This is a moment of national pride not only for Guyana; the countries of the Caribbean Community and, indeed, all developing countries no doubt share the significance of this prospect with us.

Draft resolution A/48/L.40 is a significant contribution to the work of this body and the international community in general. It takes account not only of the consultations being pursued under the auspices of the Secretary-General but also of the important work of the Preparatory Commission. There is need for the discussions in these two forums to complement each other, especially given the Convention's impending entry into force next November.

Representatives will no doubt recall the intense negotiations that began in 1979 and culminated in the signing of the Convention on the Law of the Sea in Montego Bay, Jamaica, in 1982. At the time, the

Convention was heralded as a milestone in the international community's ability to negotiate compromise solutions within the framework of an international legal instrument. Also of major importance was the recognition in the Convention of the concept of the common heritage of mankind as it applies to the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction - that is, the Area.

The Convention remains a worthwhile guide to how competing interests in the conduct of international affairs can be resolved to the acceptance of all. In the pursuit of some of its objectives, Guyana takes note of the deliberations of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and the progress that has been made in this area.

Draft resolution A/48/L.40 speaks, *inter alia*, to the concern for the protection of the marine environment and for the conservation and management of living marine resources. It urges the early achievement of universal participation in the Convention on the Law of the Sea. In a similar manner, Guyana urges its adoption.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/48/L.40.

Before we begin the voting process, I should like to announce that the following countries have become additional sponsors of the draft resolution: Cameroon, Djibouti and the Sudan.

We shall now begin the voting process. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Turkey.

Abstaining: Azerbaijan, Ecuador, Eritrea, Germany, Israel, Kazakhstan, Panama, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Draft resolution A/48/L.40 was adopted by 144 votes to 1, with 11 abstentions (resolution 48/28).

The PRESIDENT: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mrs. BAYKAL (Turkey): Turkey agrees with most of the provisions of both the Convention on the Law of the Sea and the draft resolution that has just been adopted. We have always been in favour of the establishment of a legal regime of the sea that would be based on equity and which would be generally acceptable to all States. However, Turkey has been unable to sign the Convention since it did not give due recognition to geographical particularities. Because of this shortcoming, the Convention was not able to establish a proper balance between conflicting interests. In addition, the Convention did not allow the signatories to reserve their positions *vis-à-vis* its particular provisions.

As in previous years, Turkey has not been able to accept a draft resolution that does not meet its interests in the seas that surround it, and accordingly voted against the draft resolution.

Mr. WOOD (United Kingdom): The Permanent Representative of Belgium, speaking this morning on behalf of the European Union, has already set out the basic position of my delegation. I am speaking in order to

explain the United Kingdom's abstention on the draft resolution that has just been adopted.

As in previous years, the United Kingdom abstained in the vote on the adoption of the draft resolution on the law of the sea. We did so primarily because of the call in paragraph 7 for States to consider ratifying the Convention at the earliest possible date. As is well known, the United Kingdom has fundamental objections to many points in part XI of the Convention, and we therefore consider it premature to call for ratification until these problems have been resolved.

On the positive side, we welcome the fact that good progress has been made in the consultations led by the Secretary-General with a view to overcoming outstanding problems relating to part XI. The debate today has been very encouraging in this respect. We strongly support the call in paragraph 5 of the resolution for increased efforts to achieve universal participation in the Convention as soon as possible. The United Kingdom will continue to play a positive role in the consultations, which are to resume at the end of January. We should like the consultations to focus on the revised "Boat Paper".

The United Kingdom is determined to work for the adoption of the proposed implementing agreement without undue delay, and in particular before 16 November 1994. We shall continue to cooperate with all delegations to this end. Far-reaching adjustments to part XI are required to overcome existing obstacles, but we are encouraged by the consultations thus far and trust that they will succeed in 1994.

Mr. CASTELLI (Argentina) *(interpretation from Spanish)*: My country's interpretation of the second preambular paragraph and operative paragraph 8 of the draft resolution that has just been adopted is in accordance with the statement we made on 5 October 1984, when we signed the Convention on the Law of the Sea, and particularly with the last paragraph of that statement, in which we reiterated that the Convention itself clearly stipulates in paragraph 318 that annexes are an integral part of it.

Mr. ROGATCHEV (Russian Federation) *(interpretation from Russian)*: As in previous years, the delegation of the Russian Federation supported the draft resolution on item 36 of the General Assembly's agenda, on the law of the sea.

We believe that the Convention on the Law of the Sea of 1982 is an extremely important document which should without any doubt become universal. The attainment of this goal is being obstructed by a few of the provisions in the Convention, the implementation of which has given rise to difficulties for a number of States.

At the same time, the ratification of the Convention by 60 States establishes a new situation which makes it absolutely necessary for the Convention to enter into force as soon as possible. If the outcome of the consultations being held under the aegis of the Secretary-General is a mutually advantageous agreement on the implementation of part XI, this should make it possible for the industrially developed countries, including the Russian Federation, to ratify the Convention. Such an agreement should adequately reflect the interests of the six pioneer investors, which in the past 10 years have been playing the most important role in the Preparatory Commission.

On that understanding, the delegation of the Russian Federation voted in favour of the draft resolution.

The PRESIDENT: The Assembly has thus concluded this stage of its consideration of agenda item 36.

AGENDA ITEMS 139 TO 148, 152 AND 161

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/48/608)

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM: REPORT OF THE SIXTH COMMITTEE (A/48/609)

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SIXTH COMMITTEE (A/48/610)

UNITED NATIONS DECADE OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/48/611)

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/48/612)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/48/613)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SIXTH COMMITTEE (A/48/614)

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION: REPORT OF THE SIXTH COMMITTEE (A/48/615)

CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY: REPORT OF THE SIXTH COMMITTEE (A/48/616)

REQUEST FOR AN ADVISORY OPINION FROM THE INTERNATIONAL COURT OF JUSTICE: REPORT OF THE SIXTH COMMITTEE (A/48/617)

QUESTION OF RESPONSIBILITY FOR ATTACKS ON UNITED NATIONS AND ASSOCIATED PERSONNEL AND MEASURES TO ENSURE THAT THOSE RESPONSIBLE FOR SUCH ATTACKS ARE BROUGHT TO JUSTICE: REPORT OF THE SIXTH COMMITTEE (A/48/618)

REVIEW OF THE PROCEDURE PROVIDED FOR UNDER ARTICLE 11 OF THE STATUTE OF THE ADMINISTRATIVE TRIBUNAL OF THE UNITED NATIONS: REPORT OF THE SIXTH COMMITTEE (A/48/619)

The PRESIDENT: I request the Rapporteur of the Sixth Committee, Mr. Oleksandr Motsyk of Ukraine, to introduce the reports of the Sixth Committee in one intervention.

Mr. Bull (Liberia), Vice-President, took the Chair.

Mr. MOTSYK (Ukraine) (Rapporteur of the Sixth Committee): I have the honour of presenting to the General Assembly the twelve reports of the Sixth Committee on its work on the agenda items allocated to it at this session. The reports are contained in documents A/48/608 to A/48/619, inclusive.

At the outset, I would like to thank the Sixth Committee for the honour it has bestowed on my country, Ukraine, and myself by electing me Rapporteur of the Sixth Committee. I would also like to thank the other members of the Bureau for their assistance, first and foremost, the Chairman of the Committee, Ms. María del Luján Flores, whom I congratulate for the exemplary manner in which she presided over the Committee's work. My thanks go also to the two Vice-Chairmen, Mr. Matthew Neuhaus of Australia and Mr. Ali-Thani Al-Suwaidi of the United Arab Emirates, as well as to Ambassador Carlos Calero-Rodrigues of Brazil, Chairman of the Working Group on Jurisdictional Immunities of States and Their Property, Mr. Philippe Kirsch of Canada, Chairman of the Working Group on Attacks against United Nations and Associated Personnel, and Mr. Sani L. Mohammed of Nigeria, Chairman of the Working Group on the United Nations Decade of International Law.

Before introducing each of these reports in the order in which they appear in the *Journal of the United Nations*, I would like to highlight the following remarkable achievement of the Sixth Committee at this session of the General Assembly. For the first time, the Committee adopted all its resolutions and decisions without a vote. The Chairman, who conducted extensive consultations and demonstrated her high diplomatic skills and patience, as well as all the members of the Committee, who showed the necessary flexibility and will to cooperate, deserve our warmest appreciation and congratulation.

I now turn to the report (A/48/608) of the Sixth Committee on agenda item 139, entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of the report. Under the operative part of the draft resolution, the General Assembly would, *inter alia*, approve the guidelines and recommendations contained in the report of the Secretary General on the item (A/48/580), which were adopted by the Advisory Committee on the Programme of Assistance, and which include the award of a number of international law fellowships and travel grants both in 1994 and in 1995, subject to the overall resources for the Programme.

After expressing its appreciation to the various entities involved in the implementation of the Programme of Assistance, the General Assembly would request the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion. It would also request the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

The Sixth Committee adopted the draft resolution without a vote and I hope that the Assembly will do the same.

Let me now turn to agenda item 140, entitled "Measures to eliminate international terrorism". The relevant report of the Sixth Committee is to be found in document A/48/609.

The Sixth Committee recommends to the General Assembly for adoption the draft decision reproduced in paragraph 10 of the report, in connection with which the Chairman of the Committee made a statement, which is reproduced in paragraph 7 of the report and which reads as follows:

> "The decision to place this item on the provisional agenda of the forty-ninth session has been taken in the light of the request for views of States contained therein. It is a procedural decision. While reaffirming its condemnation of all acts, methods and practices of terrorism, as contained in its resolution 46/51, the General Assembly calls for the strengthening of cooperation among States in combating all terrorist activities." *(A/48/609, para. 7)*

Under the terms of the draft decision, the General Assembly would request the Secretary-General to seek the views of Member States on the proposals submitted by Governments contained in his report or made during the debate on this item at its forty-eighth session in the Sixth Committee or contained in resolution 46/51, on practical measures to eliminate acts of terrorism, on ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and on ways to consider this question within the Sixth Committee. It would further decide to include in the provisional agenda of its forty-ninth session the item entitled "Measures to eliminate international terrorism", without prejudice to the question whether the item will thereafter be considered annually or biennially.

The Sixth Committee adopted the draft decision, in connection with which the Chairman made the aforementioned statement, without a vote, and I hope that the General Assembly will do the same.

I now wish to draw your attention to the report (A/48/610) of the Sixth Committee on agenda item 141, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". The draft decision recommended by the Sixth Committee to the General Assembly for adoption is reproduced in paragraph 9 of the report. Under this decision, the General Assembly would decide to resume consideration of the legal aspects of international economic relations at its fifty-first session and to include the item in the provisional agenda of that session. The Sixth Committee adopted the draft decision without a vote, and I hope that the General Assembly will do the same.

I now turn to the report (A/48/611) of the Sixth Committee submitted under agenda item 142, entitled "United Nations Decade of International Law."

The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 11 of the report.

In the preambular part of the draft resolution the General Assembly would recall the four main purposes of the Decade, namely the promotion of acceptance of and respect for the principles of international law; the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice; the encouragement of the progressive development of international law and its codification; and the encouragement of the teaching, study, dissemination and wider appreciation of international law. Under the operative part of the draft resolution, the General Assembly would, in particular, decide that a United Nations congress on public international law should be held in 1995, as proposed in the relevant section of the report of the Working Group on this item.

The Assembly would also invite all States and international organizations and institutions referred to in the programme for the second term of the Decade to submit information to the Secretary-General, as appropriate, on activities undertaken in implementation of the programme and to submit their views on activities for the next term of the Decade. That information would be included in the report of the Secretary-General requested in paragraph 5 of the draft resolution. The General Assembly would further invite all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict and to submit their comments thereon to the International Committee of the Red Cross, either directly or through the Secretary-General. Finally, the Secretary-General would be requested to submit information received from the International Committee of the Red Cross on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict in the report to be prepared under paragraph 5 of the draft resolution.

The Sixth Committee adopted this draft resolution without a vote, and I hope that the Assembly will do the same.

I now turn to item 143, "Report of the International Law Commission on the work of its forty-fifth session". The relevant report of the Sixth Committee is in document A/48/612. The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is in paragraph 8 of that document. I should like to draw attention to the fact that Honduras would have wished to become a sponsor of the draft resolution.

Under this draft resolution, the Assembly would, *inter alia*, express its appreciation to the International Law Commission for the work accomplished at its forty-fifth session and recommend that the Commission continue its work on the topics in its current programme. The Assembly would also invite States to submit to the Secretary-General by 15 February 1994 written comments on the draft articles proposed by a Working Group of the Commission on a draft statute for an international criminal court and would request the Commission to continue its work as a matter of priority on this question with a view to elaborating a draft statute if possible at its forty-sixth session, in 1994.

May I also seize this opportunity to draw the Assembly's attention to paragraph 13 of the draft resolution, in which the Assembly would appeal to States that can do so to make the voluntary contributions that are urgently needed for the holding of seminars in conjunction with the sessions of the International Law Commission.

The Sixth Committee adopted this draft resolution without a vote. I hope the Assembly will find it possible to do likewise.

The next report of the Sixth Committee to be introduced is contained in document A/48/613 and is submitted under agenda item 144, entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session". The three draft resolutions the Sixth Committee recommends to the General Assembly for adoption are reproduced in paragraph 14 of the report.

In the preambular part of draft resolution I the General Assembly would reaffirm its conviction that the progressive harmonization and unification of international trade law would significantly contribute to universal economic cooperation among all States and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples. The Assembly would also express concern about the continuing relatively low incidence of expert representation from developing countries at sessions of the Commission and its working groups, due in part to inadequate resources to finance the travel of such experts.

In the operative part of the draft resolution the General Assembly would, among other things, take note with appreciation of the report of the Commission on International Trade Law and welcome its ongoing work, as well as the decision to undertake the preparation of guidelines for pre-hearing conferences in arbitral proceedings. The Assembly would also reaffirm the mandate of the Commission and the importance, in particular for developing countries, of its work concerned with training and assistance in the field of international trade law. The Assembly would, moreover, request the Secretary-General to establish a separate trust fund for the Commission to grant travel assistance to developing countries and would also decide to continue to consider in the competent Main Committee the question of granting travel assistance to the least developed countries within existing resources. Finally, the Assembly would stress the importance of bringing into effect the conventions emanating from the work of the Commission and to this end would invite States that have not yet done so to consider signing, ratifying or acceding to these conventions.

The representative of Uruguay subsequently stated that Uruguay joined the other sponsors of the draft resolution.

In draft resolution II recommended by the Sixth Committee on this item, the General Assembly would note with satisfaction the adoption by the Commission on International Trade Law of the Model Law on Procurement of Goods and Construction and recommend that States give favorable consideration to the Model Law when they enact or revise their procurement laws.

In draft resolution III, the final draft resolution contained in the report of the Sixth Committee on this item, the General Assembly would recall the entry into force in 1992 of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules) and invite all States to consider becoming parties to that Convention.

The Sixth Committee adopted these draft resolutions without a vote, and I hope that the Assembly will do the same.

I should now like to turn to the report of the Sixth Committee in document A/48/614, submitted under agenda item 145, entitled "Report of the Committee on Relations with the Host Country". The Sixth Committee

recommends to the General Assembly for adoption the draft resolution reproduced in paragraph 7 of the report.

In the operative part of the draft resolution the General Assembly would, *inter alia*, endorse the recommendations and conclusions of the Committee on Relations with the Host Country and express the hope that the host country would continue to take all measures necessary to prevent any interference with the functioning of missions and that problems raised at the meetings of the Committee would continue to be resolved in a spirit of cooperation and in accordance with international law. It would also voice its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations had increased to alarming proportions and express the hope that the efforts undertaken by the Committee, in consultation with all concerned, would lead to a solution of this problem. The Assembly would welcome the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities and express the hope that the remaining travel restrictions would be removed by the host country as soon as possible. It would also request the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971.

The draft resolution was adopted by the Sixth Committee without a vote, and I hope that the Assembly will do the same.

I turn next to document A/48/615, which contains the report of the Sixth Committee submitted under agenda item 146, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The draft resolution the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 9 of the report.

Under the operative part of the draft resolution, the General Assembly would take note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. Further, the Assembly would decide that the Special Committee would hold its next session from 7 to 25 March 1994 for the purpose of carrying out its mandate regarding the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and regarding the question of the peaceful settlement of disputes, as spelt out in paragraph 3. Finally, by the draft resolution, the General Assembly would invite the Special Committee to initiate a review of its membership and to consider various proposals regarding this membership.

The representatives of Afghanistan and of Oman subsequently stated that their countries had joined the sponsors of the draft resolution.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

With respect to agenda item 147 - "Convention on jurisdictional immunities of States and their property" - the Sixth Committee, in accordance with General Assembly decision 47/414, entrusted a Working Group with the task of examining, on one hand, issues of substance arising out of the draft articles on the matter adopted by the International Law Commission in 1991 and, on the other hand, the question of the convening of an international conference on the subject.

In its report to the Sixth Committee, the Working Group indicated that the exchange of views had contributed to the clarification of positions and that progress had been made on a number of substantive issues. Accordingly, the Sixth Committee recommends in its report to the General Assembly (A/48/616) that the Assembly adopt the draft decision contained in paragraph 12 of that document, whereby the Assembly would take note of the report of the Working Group; would decide to hold consultations, in the framework of the Sixth Committee, at the forty-ninth session, to continue consideration of substantive issues; and, further, would decide to give full consideration to the recommendation of the International Law Commission that an international conference be convened to conclude a convention on the subject.

The draft decision was adopted by the Sixth Committee without a vote, and I hope that the Assembly too will adopt it without a vote.

I turn now to the report of the Sixth Committee (A/48/617) submitted under agenda item 148, entitled "Request for an advisory opinion from the International Court of Justice". The draft decision the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 6 of the report. Under this draft decision the Assembly would decide to include this item in the provisional agenda of its forty-ninth session.

The draft decision was adopted by the Sixth Committee without a vote, and I hope it will be adopted by the Assembly also without a vote.

I turn next to document A/48/618 - the report of the Sixth Committee submitted under agenda item 152, entitled "Question of responsibility for attacks on United Nations and associated personnel and measures to ensure that those

responsible for such attacks are brought to justice". The draft resolution recommended to the General Assembly for adoption is contained in paragraph 10 of the report. I should like to draw attention to the fact that El Salvador, the Marshall Islands, Morocco, the Republic of Korea and Senegal would have wished to become sponsors of the draft resolution.

Under the operative part of the draft resolution, the General Assembly would decide to establish an Ad Hoc Committee open to all Member States to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel. The Assembly would also decide that the Ad Hoc Committee be authorized to hold a session from 28 March to 8 April 1994 and, if the Ad Hoc Committee were so to decide, to hold a further session from 1 to 12 August 1994 to prepare the text of a draft convention. The Assembly would also request the Ad Hoc Committee to report to the General Assembly at its forth-ninth session on progress made towards the elaboration of the draft convention. Further, the General Assembly would recommend that a working group be re-established in the framework of the Sixth Committee at its forty-ninth session in the event that further work was required for elaboration of the draft convention.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

Finally, I turn to agenda item 161, entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations". The draft decision the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the relevant report (A/48/619). Under the terms of the draft decision, the Secretary-General would be requested to carry out a review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations, taking into account the views expressed during the forty-eighth session of the General Assembly and any further views that States might submit, and to report thereon to the General Assembly at its forty-ninth session, either as part of the report requested under resolution 47/226 or separately.

The Sixth Committee adopted this draft decision without a vote, and I hope that the Assembly will do the same.

That concludes my presentation of the reports of the Sixth Committee. I may have unduly taxed the patience of the Assembly, but I hope that delegations will agree that the work and the achievements of the Sixth Committee at this session deserved an item-by-item presentation, no matter how sketchy.

I should like to take this opportunity to address a special word of thanks to the Secretariat for its help and cooperation. I should like, in particular, to thank the Legal Counsel, Mr. Carl-August Fleischhauer, and to express my deepest gratitude to the Secretary of the Committee, Ms. Jacqueline Dauchy, as well as to the Deputy Secretary, Mr. Andronico O. Adede, and to all staff of the Codification Division, which provided such dedicated service to the Committee. My thanks go also to all interpreters, translators, conference officers and documents officers who contributed to the work of the Committee and to its successful conclusion.

The PRESIDENT: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The PRESIDENT: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that:

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting, unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Sixth Committee.

The Assembly will now consider the report (A/48/608) of the Sixth Committee on agenda item 139,

entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/29).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 139?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/609) of the Sixth Committee on agenda item 140, entitled "Measures to eliminate international terrorism". The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 10 of that report, in connection with which the Chairman made the statement referred to in paragraph 7 of the report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 140?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/610) on agenda item 141, entitled "Progressive development of the principles and norms of international law relating to the new international economic order". The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 9 of that report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 141?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/611) of the Sixth Committee on agenda item 142, entitled "United Nations Decade of International Law". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 11 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/30).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 142?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/612) of the Sixth Committee on agenda item 143, entitled "Report of the International Law Commission on the work of its forty-fifth session". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/31).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 143?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/613) of the Sixth Committee on agenda item 144, entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session". The Assembly will now take a decision on the three draft resolutions recommended by the Sixth Committee in paragraph 14 of that report.

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the

work of its twenty-sixth session". The Sixth Committee adopted draft resolution I without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 48/32).

The PRESIDENT: Draft resolution II is entitled "Model Law on Procurement of Goods and Construction of the United Nations Commission on International Trade Law". Draft resolution II was adopted by the Sixth Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 48/33).

The PRESIDENT: Draft resolution III is entitled "United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules)". The Sixth Committee adopted draft resolution III without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 48/34).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 144?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/614) of the Sixth Committee on agenda item 145, entitled "Report of the Committee on Relations with the Host Country". The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/35).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 145?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/615) of the Sixth Committee on agenda item 146, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of that report. The draft resolution was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/36).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 146?

It was so decided.

The PRESIDENT: The Assembly will next consider the report (A/48/616) of the Sixth Committee on agenda item 147, entitled "Convention on jurisdictional immunities of States and their property".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 12 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 147?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/617) of the Sixth Committee on agenda item 148, entitled "Request for an advisory opinion from the International Court of Justice".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 6 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 148?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/618) of the Sixth Committee on agenda item 152, entitled "Question of responsibility for attacks on

United Nations and associated personnel and measures to ensure that those responsible for such attacks are brought to justice".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of that report. The draft resolution was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 48/37).

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 152?

It was so decided.

The PRESIDENT: The Assembly will now consider the report (A/48/619) of the Committee on agenda item 161, entitled "Review of the procedure provided for under article 11 of the statute of the Administrative Tribunal of the United Nations".

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 8 of that report. The draft decision was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 161?

It was so decided.

The PRESIDENT: We have thus concluded our consideration of all the reports of the Sixth Committee.

The meeting rose at 5.30 p.m.